

9 August 1947

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## ARIZONA ATTORNEY GENERAL

Honorable Porter Murray,  
County Attorney, Greenlee County,  
Clifton, Arizona.

Attention: Mr. James Boyce Scott

Dear Sir:

In reply to your letter of 7 August 1947, we have the following comments to make.

We find the office of Justice of the Peace is defined as a precinct office under Section 17-504, A.C.A. 1939. The law was amended in 1945 to extend the term of Justice of the Peace to four years. The office of Justice of the Peace is also mentioned in Section 20-101, A.C.A. 1939. Both of these sections provide that the justices shall be elected at the general election.

We are not aware of any provision in the Code which provides for the calling of a special election to fill a vacancy arising in this office. The Boards of Supervisors of the several counties have only the power given to them by law. Section 17-309, paragraph 16 authorizes the filling of vacancies of precinct offices by appointment by the Board of Supervisors. We are not aware of any special statute authorizing a special election in a case of this kind.

Therefore, in our opinion, in the absence of any specific authorization for calling a special election to fill a vacancy in the office of Justice of the Peace, such election would be of no effect and the moneys expended in conducting the same would be illegal expenditures.

It is our recommendation that these vacancies be filled by appointment pursuant to statute.

Very truly yours,

JOHN L. SULLIVAN,  
Attorney General

JOHN W. ROOD,  
Chief Assistant  
Attorney General

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